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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,063	03/25/2004	Wolfgang Pfeifer	13913-170US1/2001P00030WO	8061

32864 7590 08/08/2006

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EXAMINER	
PRICE, NATHAN E	

ART UNIT	PAPER NUMBER
2194	

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/811,063	PFEIFER, WOLFGANG	
	Examiner	Art Unit	
	Nathan Price	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 March 2004 and 26 July 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☒ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *3/25/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1 – 8 are pending.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Europe on 26 September 2001. It is noted, however, that applicant has not filed a certified copy of the 01123076.0 application as required by 35 U.S.C. 119(b).

3. It is noted that this application appears to claim subject matter disclosed in prior Application No. PCT/EP02/09388, filed 22 August 2002. A reference to the prior application must be inserted as the first sentence(s) of the specification of this application or in an application data sheet (37 CFR 1.76), if applicant intends to rely on the filing date of the prior application under 35 U.S.C. 119(e), 120, 121, or 365(c). See 37 CFR 1.78(a). For benefit claims under 35 U.S.C. 120, 121, or 365(c), the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of all nonprovisional applications. If the application is a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference to the prior application must be submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a utility or plant application

which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the specific reference must be submitted during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A benefit claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed benefit claim under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

If the reference to the prior application was previously submitted within the time period set forth in 37 CFR 1.78(a), but not in the first sentence(s) of the specification or an application data sheet (ADS) as required by 37 CFR 1.78(a) (e.g., if the reference was submitted in an oath or declaration or the application transmittal letter), and the

information concerning the benefit claim was recognized by the Office as shown by its inclusion on the first filing receipt, the petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) are not required. Applicant is still required to submit the reference in compliance with 37 CFR 1.78(a) by filing an amendment to the first sentence(s) of the specification or an ADS. See MPEP § 201.11.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 – 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claims 1, 4, 6 and 7 do not clearly show the relationship between the target object and component and the parent components, which are provided based on the chains. It is not clear which parent components are identified since multiple objects are in the hierarchy. Claims 2, 3, 5 and 8 inherit this deficiency. For the purposes of this Office Action, the target object is being treated as the final child in the parent-child chain and the parent of the final child in this chain as the parent component recited in the claims.

Claim 7 recites the limitation "the target component" in line 10. There is insufficient antecedent basis for this limitation in the claim. Claim 8 inherits this deficiency.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim 6 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 6 is directed towards computer program products that have computer instructions to control computers, but the products are not claimed in combination with the computers or any other hardware. Without the inclusion of hardware, the software is unable to realize its functionality and raises the question as to whether the claims are directed towards an abstract idea. Therefore, the claims are not statutory because they are software, per se.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section

351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 3, 4, 6 – 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Brasher et al. (US 6,895,586 B1; hereinafter Brasher).

As to claim 1, Brasher discloses a computer system for identifying a target component in an apparatus that has components related in a hierarchy [col. 3 line 61 – col. 4 line 11], the computer system comprising:

a first computer executing a first application in that objects represent corresponding components, wherein the first application relates the objects in a type-object hierarchy [col. 3 line 61 – col. 4 line 11; col. 12 lines 1 – 5];

a second computer coupled to the first computer via a network [Fig. 3; col. 3 lines 46 – 48];

wherein the first computer has a message generator that receives type-object hierarchy information from the application and that provides a message with a type chain in parent-child direction and an object chain also in parent-child direction, wherein both chains in combination identify a target object that corresponds to the target component [col. 4 lines 1 – 11; col. 13 lines 50 – 65; col. 15 line 60 – col. 16 line 33]; and

wherein the second computer has a message interpreter that parses both chains to provide identification of the target component with type and object as well as identification of the parent components with types and objects [col. 12 lines 5 – 12; col. 13 lines 50 – 65; col. 15 lines 31 – 47, 60 – col. 16 line 33].

As to claims 4, 6 and 7, see the rejection of claim 1.

As to claim 3, Brasher discloses that the message generator at the first computer appends an identifier type to the type chain, and appends an identifier object to the object chain (col. 15 lines 24 – 30; col. 16 lines 27 – 67].

As to claim 8, Brasher discloses that the first and second run-time environments use different object models [col. 12 lines 1 – 5; provided by use of COM and DCOM].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brasher in view of Borgendale et al. (US Pat. 4,731,735; hereinafter Borgendale).

As to claim 2, Brasher discloses type-object hierarchy information and types, but fails to specifically disclose presenting multiple languages. However, Borgendale discloses that the first computer presents information to a first user and thereby adds statements in a first language, and that the second computer presents identification in a second language [abstract; col. 4 lines 29 – 54]. It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to combine these references because Brasher recognizes that a namespace can be distributed across

different countries [col. 2 lines 12 – 20], motivating one of ordinary skill to consider the teachings of Borgendale to account for language differences often encountered when dealing with multiple countries.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brasher in view of Tanenbaum (Tanenbaum, Andrew S. "Computer Networks." Third Edition, Prentice Hall PTR, 1996; pages 630-643.).

As to claim 5, Brasher at least implies displaying the identification of the target component with type statements, wherein the type statements are provided locally [col. 15 line 60 – col. 16 lines 2, 27 – 33]. Furthermore, Tanenbaum discloses that SNMP includes a description parameter for object types intended for human users [page 640 ¶ 3]. It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to combine these references because Brasher discloses the use of SNMP [col. 13 lines 27 – 30] and the cited portion of Tanenbaum discloses the details of SNMP.

Conclusion

9. The prior art made of record on the P.T.O. 892 that has not been relied upon is considered pertinent to applicant's disclosure. Careful consideration of the cited art is required prior to responding to this Office Action, see 37 C.F.R. 1.111(c).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Price whose telephone number is (571) 272-4196. The examiner can normally be reached on 7:30am - 4:00pm, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NP